

REMARKS

In the present application, claims 24-26, 32-35 and 39-51 are pending. The Examiner, in the July 15 Advisory Action, found claims 27-31 to be "non compliant" and took no action on the merits. The Examiner also found claims 39 and 40 to "introduce a new issue." The Examiner otherwise found the application "to be in condition for allowance."

Non-Compliant Claims 27-31

The Examiner, on page 2 of the July 15 Advisory Action, found claims 27-31 to be "non compliant" as "the text of these claims [must] be set forth in the CLAIMS section." Applicant previously designated claims 27-31 as *withdrawn* but did not provide the actual claim language. Applicant, through this amendment, hereby *cancels* claims 27-31. Applicant expressly reserves the right to pursue these claims in a later continuation application as cancellation is made only to obtain expedited allowance; cancellation is not to be interpreted as concurrence with the Examiner's previously made rejections as they pertain to claims 27-31. Applicant notes 37 C.F.R. § 1.121, as revised July 30, 2003, in that *cancelled claims* do not require a listing of the actual claim language.

New Issues in Claims 39 and 40

The Examiner, on page 2 of the July 15 Advisory Action, found claims 39 and 40 to "introduce a new issue into the claims." Applicant, through this amendment, hereby *cancels* claims 39 and 40 thereby making the Examiner's rejection moot. Applicant, again, expressly reserves the right to pursue these claims in a later continuation application as cancellation is made only to obtain expedited allowance; cancellation is not to be interpreted as concurrence with the Examiner's previously made rejections as they pertain to claims 39 and 40. Applicant does, however, traverse the Examiner's

contention that the Applicant made any admissions in its After Final Response of July 1, 2004.

Reconsideration of Application

Applicant thanks the Examiner for reconsidering the application and reaching a determination that, absent the aforementioned objection and rejection, "the case appears to be in condition for Allowance."

CONCLUSION

Cancellation of claims 27-31 remedies the Examiner's objections based on non-compliant claim presentation. Cancellation of claims 39 and 40 moots the Examiner's rejections based on the introduction of a "new issue."

Based on the foregoing remarks and the Examiner's previous statement that "the case appears to be in condition for Allowance," Applicant believes that the application is, in fact, in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicant's undersigned representative.

Respectfully submitted,
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